

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**EMPLOYERS AND OPERATING
ENGINEERS LOCAL 520 PENSION
FUND, *an employee benefit plan*, et
al.,**

Plaintiffs,

v.

**GROUNDWORKS CONTRACTING,
INC.,**

Defendant.

Case No. 23-CV-02598-GCS-SPM

DEFAULT JUDGMENT

This civil case arises under the Employee Retirement Income Security Act, 29 U.S.C. §§ 1002–1193c (“ERISA”). Before the Court is the Plaintiffs’ Motion for Default Judgment against Defendant Groundworks Contracting, Inc. (Doc. 48). For the reasons below, the Court **GRANTS** the Plaintiffs’ Motion and **ENTERS** Default Judgment.

There are two stages to default. First, the Clerk of Court must enter a party’s default “[w]hen a party against whom a judgment for affirmative relief has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise” FED. R. CIV. P. 55. Then, the Court may enter a default judgment for the amount due.

Id.

Here, the Clerk of Court entered Defendants’ default on August 24, 2023. (*See* Doc. 40). Plaintiff also showed that Defendants failed to make monthly contributions as required by the labor agreement. (*See* Doc. 49). It is therefore appropriate for the

Court to enter a default judgment.

Accordingly, **IT IS HEREBY ORDERED AND ADJUDGED** that Plaintiff Employers and Operating Engineers Local 520 Pension Fund has a judgment against Defendant Groundworks Contracting, Inc. in the total amount of \$479,780.02, consisting of \$383,203.71 in contributions, \$39,571.50 in liquidated damages, \$48,687.25 in interest, \$5,683.00 in audit fees, and \$2,634.56 in attorneys' fees and court costs.

IT IS SO ORDERED.

DATED: April 2, 2024

s/ Stephen P. McGlynn
STEPHEN P. McGLYNN
U.S. District Judge